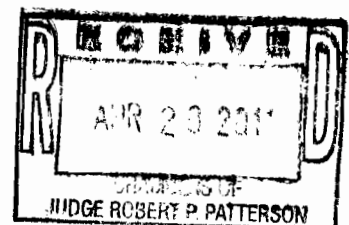


USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/28/11

D. B. Karron, Ph. D.  
348 East Fulton Street  
Long Beach, New York 11561  
E-Mail to drdbkarron@gmail.com (or) karron@casi.net  
Facsimile +1 (516) 308 - 1982  
Voice +1 (516) 515 - 1474

Thursday, April 28, 2011 at 13:37:21 Hours

Hon. Robert P. Patterson  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312



MEMO ENDORSED

By fax to 212-805-7917

RE: Daniel B. Karron, v United States of America 11-civ-1874 (RPP) and 07-cr - 541 (RPP)

Dear Judge Patterson

We are endeavoring to resubmit a replacement for the stub 2255 Memorandum of Fact and Law, submitted but which had to be abandoned in place on 22 February. See Exhibit A.

We have substantially improved it with extensive research new evidence from three new declarations in support.

Because I am working pro se and the declarants are working pro bono we are experiencing significant delays marshaling final versions. We had hoped to have this completed last week during the holidays, but this was not to be.

I would humbly beg the court to submit a replacement 2255 Memorandum of Fact and Law, with three additional Declarations, in support of my 2255 motion to vacate my criminal conviction. I have prepared a motion to resubmit, and will resubmit it on along with the full documents MONDAY, May 2, 2011.

The deadline for the governments' response should similarly be set back to give them sufficient time to respond.

Sincerely,

D. B. Karron  
Cc: Christian Everdell by e-mail to.everdell@usdoj.gov

*Application granted*  
*SD ordered*  
*Robert P. Patterson*  
*4/28/11*

# Exhibit

# A

D. B. Karron, Ph. D.  
348 East Fulton Street  
Long Beach, New York 11561  
E-Mail to drdbkarron@gmail.com (or) karron@casi.net  
(\*new\*) Facsimile +1 (516) 308 - 1982  
(\*new\*) Voice +1 (516) 515-1474, +1 (212) 686 - 8748  
Cell +1 (917) 674 - 0848

Tuesday, February 22, 2011

Pro Se Office  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: UNITED STATES OF AMERICA v. DANIEL B. KARRON, 07-CR-00541 (RPP)

Dear Sirs;

Enclosed is my Motion to Vacate under 28 U.S.C. § 2255 form AO 243 (Rev 12/04) and attachments detailed below. I am presently completing my sentence from my conviction of violating title 18 U.S.C. §666 from this court under case 07-CR-00541 (RPP). As such, I am under sentence of this District Court.

I am also begging the courts indulgence to submit a substantial revision to this document in the near future based on my defense and pending hearing in the case USA v DANIEL B. KARRON 1:08-cv-10223. A oral argument on my opposition to the governments motion for a 5 Million dollar summary judgment was scheduled for today as well. I have asked for a postponement.

Further, my brother passed away on Saturday, two days ago, and I have been unable to focus on completing this document due to family commitments and heartbreak. I am forced to abandon it in place. I am submitting this today, 22 February, to preserve my rights under 28 U.S.C. § 2255 . I have a large body of evidence submitted under 1:08-cv-10223 that I will cite on PACER and RECAP, so as to not have to carry forward the large Affidavit of Dunlevy and my large Affidavit also filed in that case. The detailed citations into PACER documents and page number within those documents are not yet completed.

In this motion, I describe four grounds to vacate my conviction. These are "game changing" new evidence and analysis. The principle of which are material math errors<sup>1</sup>; not harmless errors of imprecision, in key numbers causing "plain error".

The criminal trial jury called the synthesis of these false facts (GX114) into their brief deliberations<sup>2</sup>. These errors had an unfair prejudicial impact on their deliberations. The errors

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<sup>1</sup> It may be more correct to call these errors intentional lies after considering this analysis.

plainly undermined the fairness of the trial and contributed to an injustice. No appeals to date addressed the underlying plain errors in the foundation numbers that lead to my conviction. Had the jury known the true facts no reasonable trier of facts would find as this jury did.

The reason for the delay to file this motion until the last minute is the long delay in obtaining a ruling from the civil court<sup>3</sup> on the Defendant's counter motion to defeat summary judgment by the government. The denial of Certiorari from the Supreme Court of the United States, from which the clock tolls the one-year statutory interval in which to file this motion, commenced February 22, 2010<sup>4</sup>. Much of the new evidence, analysis, and re-analysis of evidence presented here was originally discovered and developed in defending against that civil action over the past two years. A ruling from the court on the admissibility that evidence in that matter could have implications for use of that evidence in this motion and delayed this submission. The Court in the civil collateral attack has issued a call for Oral Arguments on February 23, one day after the deadline for this motion.

**Ground One) Funds considered misappropriated were in fact property of Karron and did not belong to the government**

**Ground Two) The grant funds were not spent beyond the statutory flexibility limits**

**Ground Three) Conviction foundation laid on erroneous, misleading, and false data causing plain error.**

**Ground Four) D. Ineffective Assistance of Counsel**

Attached are:

- 1) Memorandum of of Fact and Law, supporting my Motion to Vacate,
- 2) *In Forma Pauperis* (IFP) form executed.

Finally, the confusion as to pronouns and my name in the record should be resolved now: I am a post-operative male to female transsexual. I have since changed my name, but for the purposes of this matter I am still referred to as Daniel B. Karron but my gender is now she. Since most people refer to me as Dr. K or Dr. Karron, it is not a source of difficulty, just idle curiosity. Or quite possibility why this entire matter erupted when it should never have.

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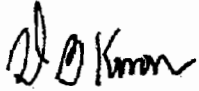
<sup>2</sup> Trial Transcript Page 1476 Lines 13 ff, where the court sent in 'blow up' versions of GX114 and GX115 at the jury's request.

<sup>3</sup> United States vs. Daniel B. Karron, 08 Civ. 10223 (NRB)

<sup>4</sup> Docketed 24 February 2010

I humbly submit my motion to vacate my criminal conviction. In the interests of justice, I pray that the court will evaluate the volume of hard evidence and legal arguments presented herein and agree that further hearing by the court to correct this egregious plain error and miscarriage of justice.

Sincerely,

A handwritten signature in black ink, appearing to read "D B Karron". The signature is stylized with a large, looped initial "D" and a cursive "Karron".

D B Karron

*Pro se*